

REMARKS

Claims 1 – 13 have been cancelled and new claims 14 – 20 have been added for consideration.

The present claimed invention recites a towel attachment device. The device includes a first material member having a rectangular shape. The first material member includes an eyelet extending through the first material member positioned at a predetermined distance from a corner of the first material member. The device further includes a carabiner having a C-shaped member and a latch pivotally connected to the C-shaped member. The latch is moveable from a first open position to a second closed position. Upon the latch being in the first open position, the C-shaped member passes through the eyelet and further through a recess in an article of clothing of a user thereby securing said towel to the article of clothing. A second material member is connected along a first edge thereof to the first material member. The second material member has a first side and a second side. The second side faces the first material member and is pivotable about the connection to move towards and away from the first material member.

The invention as claimed in claim 14 is not disclosed nor suggested by Zeltner, McGhee and Oster. Specifically, Zeltner, McGhee and Oster neither disclose nor suggest “a second material member connected along a first edge thereof to said first material member, wherein said second material member has a first side and a second side, said second side facing said first material member and is pivotable about said connection to move towards and away from said first material member” as in the present claimed invention.

Additionally, as discussed in the telephone interview on 19 August 2003, the Examiner stated he would consider the argument put forth that a flap is different from the pocket as shown in Oster. In view new claim 14, it is clear that the present claimed invention is concerned with and wholly unrelated to the invention disclosed in Oster. Specifically, Oster as shown in Figure 2 and described in on page 7, lines 30 – 36 “the third piece 18 and first piece 12 define a pocket 22, the closed edges of which correspond to the seam 20”. Forming a “pocket” as suggested by Oster implies that objects can be retained therein. Furthermore, it is clear that Oster neither discloses nor suggests “a second material member connected along a first edge thereof to said first material member, wherein said second material member has a first side and a second side, said second side facing said first material member and is pivotable about said connection to move towards and away from said first material member” as in the present claimed invention. As the second member “is pivotable about said connection” it is clear that said second member does not form a pocket as disclosed by Oster.

Thus, it is respectfully submitted that present invention as claimed in claim 14 is not anticipated or made obvious by Zeltner, McGhee or Oster.

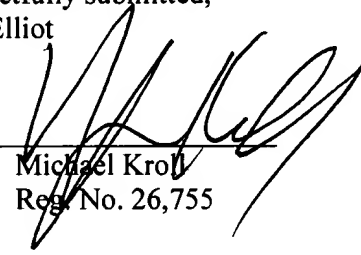
The Applicant respectfully requests prompt and favorable examination on the merits of this application. Based upon the foregoing amendments, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawings, then it is respectfully asked that such changes be made by Examiner’s amendment, if the Examiner feels this would facilitate passage of the case to issuance.

Alternatively, should the Examiner have any questions, comments, or feel that a personal discussion might be helpful in advancing this case to allowance and issuance, he is cordially invited to contact Mr. Michael Kroll, Esq. at 171 Stillwell Lane, Syosset, New York 11791, telephone number (516) 367-7777, so that the present application can receive an early notice of allowance. The address and telephone number for Michael I. Kroll stated above is as listed on the original Power of Attorney.

Please charge any fee due and not covered by an enclosed check to Deposit Account No. 500716.

Respectfully submitted,
Paul Elliot

By


Michael Kroll
Reg. No. 26,755

10 AUG 2004
Dated: ~~April 2, 2004~~ 

JJS:jb